

**WILLIAM J. PENNINGTON III**

ATTORNEY AT LAW

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PRACTICE LIMITED TO  
MATTERS BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

September 4, 1998

Magalie Roman Salas, Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20554

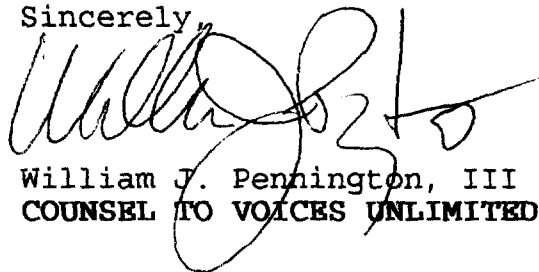
RE: Petition for Rule Making (FM Table of Allotments;  
Walnut Ridge, Arkansas)

Dear Ms. Salas:

Transmitted herewith, on behalf of Voices Unlimited, Inc., is an original and four (4) copies of a petition for rule making and order to show cause seeking changes in the FM Table of Allotments.

Should there be any questions regarding this matter please do not hesitate to contact the undersigned.

Sincerely,



William J. Pennington, III  
COUNSEL TO VOICES UNLIMITED, INC.

Enc.  
WJP/klm  
cc: Certificate of Service

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Before the

FCC MAIL ROOM FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No.  
Table of Allotments ) RM-  
FM Broadcast Stations )  
(Walnut Ridge, Arkansas) )

To: Chief, Allocations Branch

PETITION FOR RULE MAKING AND ORDER TO SHOW CAUSE

Voices Unlimited, Inc. ("VUI"), licensee of Station KRLW-FM, Walnut Ridge, Arkansas, by their counsel hereby respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to substitute Channel 292C3 for Channel 292A at Walnut Ridge, Arkansas. VUI further requests that its license be modified to specify operation as a Class C3 facility on Channel 292. Station KRLW-FM presently operates as a Class A facility on Channel 292.

In support of this allocation request, the following information is respectfully submitted:

1. As is demonstrated in the attached Exhibit 1, Channel 292C3 may be allotted to Walnut Ridge, Arkansas if a channel substitution is made at Horseshoe Bend, Arkansas.

2. In support of the proposed substitution at Horseshoe Bend, Arkansas Louisiana, VUI notes that the Commission has on numerous occasions stated that the "substitution of an existing station's channel at one community serves the public interest where the

substitution permits the provision of new or expanded service at another community." Eddyville and Fort Madison, Iowa, 4 FCC Rcd 7774 (1989); see also Marietta, Ohio and Ravenswood, WV, 2 FCC Rcd 4681 (1987) and Albany, NY, et al., 2 FCC Rcd 4300 (1987), 3 FCC Rcd 4681 (1987).

3. To accommodate the proposed upgrade at Walnut Ridge, Channel 240A would have to be substituted for Channel 293A at Horseshoe Bend and the application of W.R.D. Entertainment, Inc. modified accordingly. W.R.D. Entertainment, Inc. is the sole applicant for the new FM station on Channel 293A at Horseshoe Bend. Exhibit 2 demonstrates that Channel 240A may be substituted for Channel 293A at the W.R.D. Entertainment, Inc. antenna site and is in full compliance with the Commission's minimum spacing requirements. Channel 240A may be used since Channel 265 was substituted for Channel 240 at Salem, Arkansas in the Report & Order issued in MM Docket No. 96-4. Furthermore, should the Commission grant VUI's proposal, VUI further agrees to reimburse W.R.D. Entertainment, Inc. for its reasonable and prudent expenses incurred in amending its application to specify operation on Channel 240A at Horseshoe Bend. Therefore, the Commission should issue an Order to Show Cause to W.R.D. Entertainment, Inc. to show why its application should not be amended as proposed herein.

6. If the above mentioned substitution is made at Horseshoe Bend, the permissible site for a station operating on Channel 292C3 at Walnut Ridge would be ample. A large portion of that area is close enough so that a station operating on Channel 292C3 should have no difficulty placing a 70 dBu service contour over the entire

community of Walnut Ridge. In fact, the allocation coordinates requested herein are those of Station KRLW-FM's presently authorized operation as a Class A facility. Exhibit 3 is a map showing these proposed allocation coordinates in relation to the town of Walnut Ridge.

7. The allotment of Channel 292C3 to Walnut Ridge and modification of VUI's license to specify operation thereon will permit Station KRLW-FM to serve a much larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. Exhibit 4 shows the population within the presently authorized 60 dBu contour for Station KRLW-FM's Class A operation and that which would be gained if allowed operation as a Class C3 facility. The Commission has determined that expanded service to the public and spectrum efficiency provide significant public interest benefits. See Report and Order in MM Docket No. 85-313, 60 RR 2d 114, 118 (1986). Thus, VUI's proposal would serve the public interest.

8. Because Channel 292C3 would not be available to a third party for use at Walnut Ridge, VUI's license may be modified to specify operation on the higher class channel pursuant to Rule 1.420(g). Upon grant of this request, VUI will proceed promptly with construction of its facility upgrade.

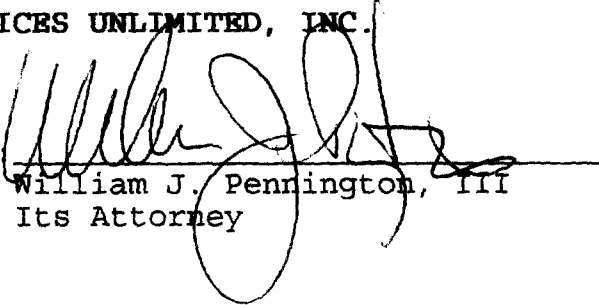
**WHEREFORE**, base on the foregoing, VUI hereby requests that the Commission: (i) modify its FM Table of Allotments to substitute Channel 292C3 for Channel 292A at Walnut Ridge, Arkansas and modify the license of Station KRLW-FM accordingly; and (ii) substitute Channel 240A for Channel 293A at Horseshoe Bend, Arkansas and

modify the application of W.R.D. Entertainment, Inc., the sole applicant for the new FM station at Horseshoe Bend, accordingly.

Respectfully submitted,

VOICES UNLIMITED, INC.

By

  
William J. Pennington, III  
Its Attorney

Law Office of William J. Pennington, III  
(Admitted in NC & SC Only)  
Post Office Box 403  
Westfield, MA 01086  
(413) 562-3341

September 4, 1998

CHANNEL SPACING STUDYWALNUT RIDGE, AR CHANNEL 292C3

FROM APP SITE AS A C3

## REFERENCE

36 03 58 N

90 56 24 W

CLASS = C3

Current Spacings

----- Channel 292 - 106.3 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
KRLWFM LI	292A	Walnut Ridge	AR	0.00	0.0	142.0	-142.00
ALOPEN AL	293A	Horseshoe Bend	AR	71.04	287.3	89.0	-17.96
AP293 AP	293A	Horseshoe Bend	AR	73.22	287.4	89.0	-15.78
KMISFM LI	293C2	New Madrid	MO	119.10	70.0	117.0	2.10
KJBX LI	294A	Trumann	AR	45.07	141.7	42.0	3.07
KHTE.C CP	292C2	Lonoke	AR	182.78	207.4	177.0	5.78
KFFB LI	291C2	Fairfield Bay	AR	124.78	253.1	117.0	7.78
KHTE LI	292A	Lonoke	AR	167.34	211.3	142.0	25.34
KFZK.C CP	292C2	Branson	MO	213.02	291.0	177.0	36.02
KWKZ LI	291C2	Charleston	MO	161.41	46.4	117.0	44.41
WOKX LI	290C	Memphis	TN	143.12	134.8	96.0	47.12
KFZK LI	292C3	Branson	MO	213.02	291.0	153.0	60.02

CHANNEL SPACING STUDYHORSESHOE BEND, AR CHANNEL 240A

## SUB CHANNEL AT HORSESHOE BEND

## REFERENCE

36 15 36 N

CLASS = A

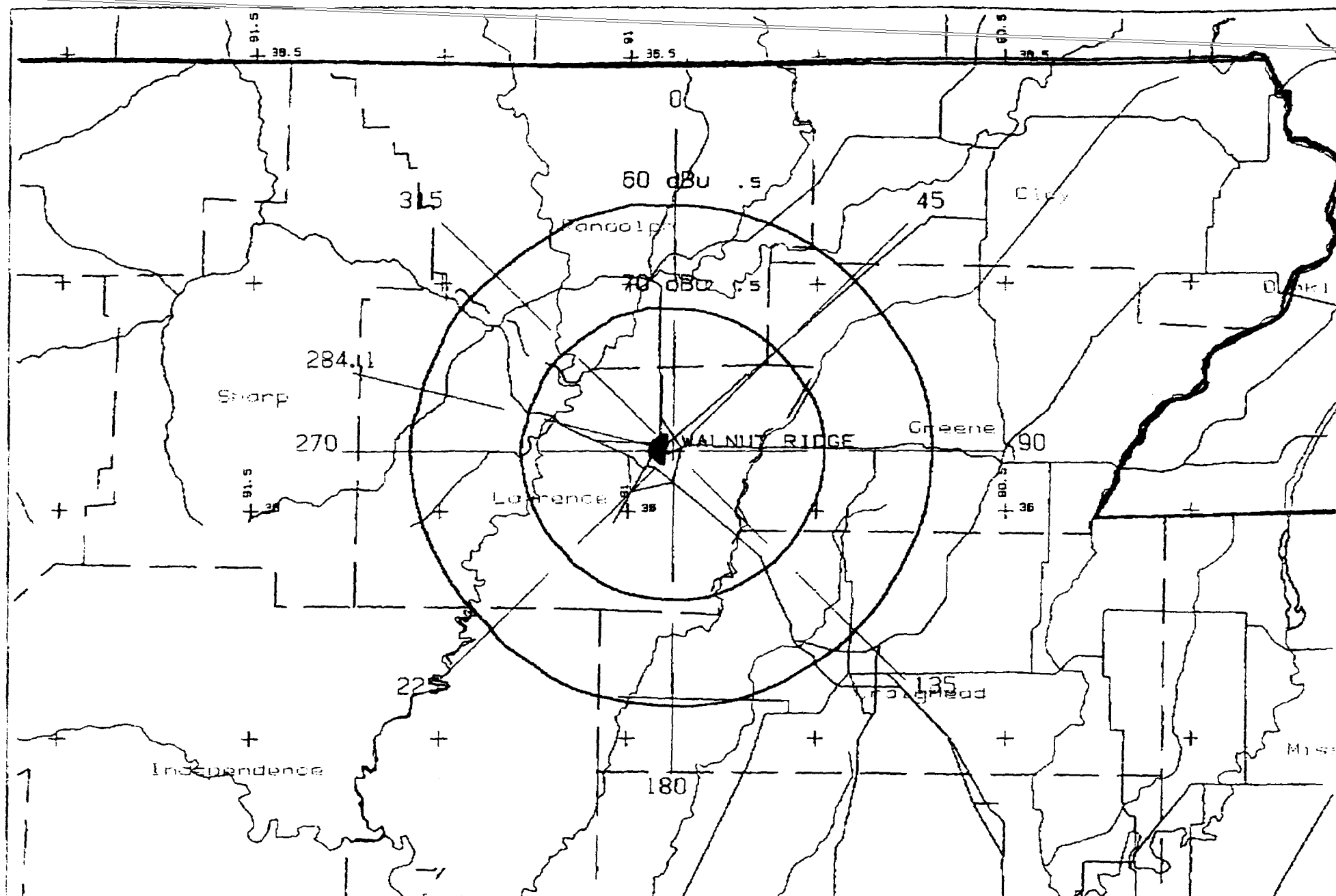
91 43 04 W

Current Spacings

----- Channel 240 - 95.9 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
KSAR	LI 240A	Salem	AR	16.48	324.6	115.0	-98.52***
AP293	AP 293A	Horseshoe Bend	AR	0.00	0.0	10.0	-10.00
ALOPEN	AL 293A	Horseshoe Bend	AR	2.18	108.2	10.0	-7.82
CP240	CP 240A	Harrisburg	AR	116.35	127.5	115.0	1.35
KTRIFM	LI 240A	Mansfield	MO	121.60	315.7	115.0	6.60
KSSN	LI 239C	Little Rock	AR	176.61	203.5	165.0	11.61
KCWD	LI 241C2	Harrison	AR	119.48	262.4	106.0	13.48
KKID	LI 240A	Salem	MO	153.30	6.0	115.0	38.30
KJEZ	LI 238C1	Poplar Bluff	MO	140.21	61.8	75.0	65.21

\*\*\* CHANNEL 265A SUBSTITUTED FOR CHANNEL 240A AT SALEM, ARKANSAS AS PER REPORT & ORDER IN MM DOCKET 96-4.



<p>Scale in km</p>	<p>292C3 25kW N. Lat. 36 03 58      W. Lng. 90 56 24</p>	<p>292C3 WALNUT RIDGE</p>
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**EXHIBIT 4**

**POPULATION TOTALS FOR CLASS A AND CLASS C3 OPERATION**

POPULATION WITH 60 dBu SERVICE CONTOUR

CountPop Population Study at: N. Lat 36 03 58 W. Lng. 90 56 24  
Using PL 94-171: Group Block Resolution -

292A LIC SITE WALNUT RIDGE AR

	Total	Caucasian	Afro Am	Amer Ind	Asian Am
AR	11,755	11,594	86	58	15
-----					
Total=	11,755	11,594	86	58	15

POPULATION WITHIN 60 dBu SERVICE CONTOUR

CountPop Population Study at: N. Lat 36 03 58 W. Lng. 90 56 24  
Using PL 94-171: Group Block Resolution -

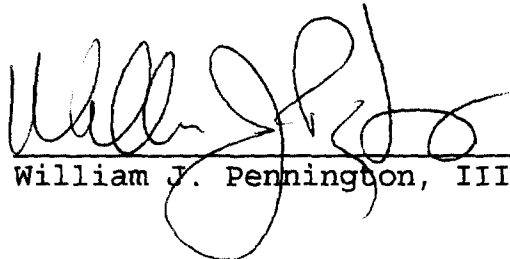
292C3 APP WALNUT RIDGE AR

	Total	Caucasian	Afro Am	Amer Ind	Asian Am
AR	27,549	26,780	614	117	27
Total=	27,549	26,780	614	117	27

**CERTIFICATE OF SERVICE**

I, William J. Pennington, III, Esquire, do hereby certify that on this 4th day of September, 1998, a copy of the foregoing "Petition for Rule Making and Order to Show Cause" was mailed, postage prepaid, to the following:

W.R.D. Entertainment, Inc.  
7290 Ramsey Street  
Batesville, AR 72503  
**APPLICANT FOR NEW FM AT HORSESHOE BEND, AR**

  
\_\_\_\_\_  
William J. Pennington, III